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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DWAYNE T. DUNLAP,

13 Defendant.
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2:01-CR-0332-LRH-PAL

ORDER

15 Before the court is defendant Dwayne T. Dunlap's ("Dunlap") motion to correct sentence.
16 Doc. #331.¹ In response, the United States of America filed a counter-motion to dismiss Dunlap's
17 motion. Doc. #332.

18 Dunlap is currently serving a one hundred and forty-four (144) month sentence for
19 conspiracy to distribute a controlled substance. *See* Doc. #182. Dunlap filed the present motion
20 seeking seven hundred and seventy-eight (778) days credit on his sentence for time he allegedly
21 served in jail prior to his sentencing. *See* Doc. #331. The court has reviewed Dunlap's motion and
22 finds that it should be denied.

23 First, the court notes that Dunlap filed the present motion *pro se* despite currently being
24 represented by counsel on a separate motion for reduction of sentence. As such, Dunlap's *pro se*
25 motion is an improper filing that violates Local Rule IA 10-6(a) and shall be denied on this basis.
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¹ Refers to the court's docket number.

1 See LR IA 10-6(a) ("A party who has appeared by attorney cannot while so represented appear or
2 act in the case.").

3 Second, the court finds that Dunlap's motion is without merit. On March 11, 2011, Dunlap
4 filed his first motion to receive credit for time served. Doc. #311. The court denied Dunlap's
5 motion on the ground that a district court lacks the authority to make an initial determination of
6 time served, which first must be made by the Bureau of Prisons. See Doc. #313. Dunlap's present
7 duplicative motion shall be denied for the same reason as Dunlap fails to provide the court with any
8 proof that he has exhausted all administrative remedies for receiving a sentencing credit with the
9 Bureau of Prisons. Accordingly, the court shall deny Dunlap's motion.

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11 IT IS THEREFORE ORDERED that defendant's motion to correct sentence (Doc. #331) is
12 DENIED.

13 IT IS FURTHER ORDERED that plaintiff's motion to dismiss (Doc. #332) is GRANTED.

14 IT IS SO ORDERED.

15 DATED this 25th day of June, 2015.

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17 LARRY R. HICKS
18 UNITED STATES DISTRICT JUDGE
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